



COMMONWEALTH OF VIRGINIA JOINT LEADERSHIP COUNCIL OF VETERANS SERVICE ORGANIZATIONS

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Women Marines Association*

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Position Paper 2018-01

Residency Requirement for Surviving Spouses of 100% Disabled Veterans Constitutional Amendment, 2nd Resolution

OBJECTIVE: Provides that the real property tax exemption for the principal residence of surviving spouses of 100% disabled veterans applies without restriction on moving to a different principal place of residence.

BACKGROUND:

- The 2009 General Assembly passed HJ648 and SJ275, beginning the process amending Virginia's Constitution to require localities to grant real estate exemptions for 100% disabled veterans. The 2010 General Assembly passed the second resolutions HJ33/HB149 and SJ13/SB31.
- That amendment does not allow surviving spouses of 100% disabled veterans to move after the death of the veteran and retain the property tax exemption.
- In 2013 and 2014 there was a second constitutional amendment process (HJ551 and HJ8) for surviving spouses of military Killed in Action. This amendment allows surviving spouses to move within Virginia and retain the property tax exemption.

DISCUSSION:

- There has been confusion in the localities in distinguishing between the two provisions and in several instances surviving spouses of 100% disabled veterans have been given incorrect information.
- The Commissioner of the Department of Veterans Services (DVS) has had several requests for appeal of Commissioners of the Revenue denial of application due to the fact that the surviving spouse of a 100% disabled veteran has moved. Despite incorrect information given by a locality, the DVS Commissioner must rule in favor of the Commissioner of the Revenue's denial of application based on the Constitution.
- In 2017, Delegate Jason Miyares patroned HJ562, seeking to rectify the situation and bring the residency requirements for surviving spouses of 100% disabled veterans in line with those of surviving spouses of KIA.
- The JLC had policy papers in support of HJ33/HB149 and SJ13/SB31 in 2010, and HJ8 in 2014.

RECOMMENDATION: That the 2018 General Assembly pass resolutions identical to the one passed by the 2017 General Assembly (HJ562), thereby continuing the process to amend Virginia's Constitution to provide parity for surviving spouses of 100% disabled veterans and those Killed in Action.